



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,153	07/15/2003	Joel K. Young	977.055US1	1208
21186 7590 04/17/2008 SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402				
EXAMINER				
NGUYEN BA, HOANG VU A				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
04/17/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/621,153

Applicant(s)

YOUNG, JOEL K.

Examiner

Hoang-Vu A. Nguyen-Ba

Art Unit

2623

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-25 and 27-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-25 and 27-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/S5108)
Paper No(s)/Mail Date 1/26/08
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is responsive to amendment filed January 25, 2008.
2. Claims 1, 3-25 and 27-36 are pending. Claims 1, 16, 25 and 34 are independent claims.

Response to Amendments

3. Per Applicant's request, Claims 2 and 26 have been canceled; Claims 1, 3-4, 7-10, 16, 25 and 27 have been amended; and new claims 34-36 have been added.

Response to Arguments

4. Applicant's arguments have been fully considered but are moot in view of the new grounds of rejection necessitated by Applicant's amendments.

Claim Rejections – 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejection under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or foreign country, before the invention thereof by the applicant for patent.

6. Claims 25 and 27-36 are rejected under 35 U.S.C. § 102(a) as being anticipated by U.S. Patent Application Publication No. 2002/0138641 by Taylor et al. ("Taylor").

Claim 25

Taylor discloses at least *a method of distributing video information, comprising:*

from a first network location (see at least FIG. 4, devices 420 and 425), configuring a playlist of video files (see at least FIG. 5), the video files being stored in at least one second network location (see at least FIG. 4, devices 405, 410, 415) connected to the first network location via the network (see at least FIG. 4, Internet); and

from a third network location (see at least FIG. 4, device 300), connected to the first and second network locations via the network, executing the playlist (see at least FIG. 6; [0035]; e.g., Microsoft WINDOWS MEDIA™ player or RealNetworks® media player), including:

pulling video content associated with two or more video files from the second network location over the network according to the playlist (see at least FIG. 6, steps 635 and 640);

translating the video content at the third network location into a video output signal suitable for display (see at least FIG. 6, step 645); and

executing logical actions in the playlist associated with initiation of display and termination of display of the two or more video files (see at least FIG. 6, step 645 and [0040-0041]; [0048-0053]).

Claim 26 (currently canceled)

Claim 27

Taylor further teaches:

wherein executing logic actions includes the third location receiving external inputs that are mapped into application specific commands (see at least FIG. 6; [0035]; e.g., Microsoft WINDOWS MEDIA™ player or RealNetworks® media player).

Claim 28

Taylor further teaches:

wherein executing logic actions includes the third location receiving logic actions from the first location (see at least [0035-0040]).

Claim 29

Taylor further teaches:

wherein the application specific commands include any combination from the set of Play, Restart, Pause, Stop, Rewind, Fast Forward, Next File, Next Slide, Previous Slide, Mouse Click, Hyperlink and Go To New Playlist (see at least [0035-0040]; e.g., WINDOWS MEDIA™ player or RealNetworks® media player, which inherently contain the claimed features – in WINDOWS XP™, click on Start then hover the mouse over “All Programs” and “WINDOWS MEDIA™ player” or “RealNetworks®” and select the player to display the interface which shows the claimed features).

Claim 30

Taylor further teaches:

wherein the first network location includes a web client (see at least FIG. 4, device 420).

Claim 31

Taylor further teaches:

wherein the second network location includes a video file server (see at least FIG. 4, devices 405, 410, 415).

Claim 32

Taylor further teaches:

wherein the third location includes a media server (see at least FIG. 4, device 300 which can be a media server in a home network).

Claim 33

Taylor further teaches *wherein the first network location includes a computer and configuring a playlist includes:*

downloading an existing playlist from the media server at the third location to the computer (see at least FIG. 6, steps 610 and 615; e.g., the proxy server which is a computer with associated software receives a play list from the client computer – cf. [0037]);

editing the playlist (see at least FIG. 6; step 615); *and*

uploading the edited playlist from the computer to the media server (see at least FIG. 6, step 620).

Claim 34

Taylor discloses at least *a system* (see at least FIG. 4), *comprising:*

at least one video file server, the video file server including a number of video files, each video file including video content to be selectively displayed (see at least FIG. 4, servers 405, 410, 415);

a plurality of media servers communicatively coupled to the video file server over a network, each media server communicatively coupled to at least one video display (see at least FIG. 4, server 300; although only one is shown, it is well known in the art that there are more than one connected to the Internet or one can serve as a server for a plurality of computers in a home network);

a web client to communicate with each media server through the network to configure a playlist on each media server; each playlist including a list of identifiers of video content in the video file server and logical actions related to playing the playlist (see at least FIG. 4, device 420); *and*

each media server (see at least FIG. 4, server 300) *configured to*

execute the playlist to control video content on the video display (see at least FIG. 6, step 645; e.g., plays media):

pull video content over the network from two or more video files according to the playlist (see at least FIG. 6, steps 635 and 640); *and*

convert the pulled video content into a video output signal suitable for display on the video display (see at least FIG. 6, step 645).

Claim 35

Taylor further discloses:

including a plurality of video file servers (see at least FIG. 4, servers 405, 410, 415) communicatively coupled to the network, wherein a media file server is configured to pull video content over the network (see at least FIG. 4, server 420; it is noted that the claimed “media file server” is interpreted to be different than the claimed “media server”) from more than one video file server according to a video file server identifier included in the playlist (see at least FIG. 5).

Claim 36

Taylor further discloses *wherein the web client is configured to access the playlist on a media server interactively while the playlist is executing* (see at least FIG. 4, step 640; e.g., dynamic media selection process).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 1, 7-9, 14-18, and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis (U.S. Application 10/927,814) in view of Rodriguez (U.S. Application 09/947,890).

Claim 1

Ellis teaches:

A system (Figures 2a and 27), comprising:

at least one video display (Fig. 3 Element 36);

at least one video file server (Fig. 27 Elem. 242, also Paragraphs [0182] and [0184]), each video file server including a number of video files (Video file servers are well known in the art to store video content within video files), each video file including video content to be selectively displayed on the at least one video display (Par. [0130] Lines 1-6 teaches ordering pay-per-view video, which is selectively displayed video content);

at least one media server connected to the video file server, each media server to communicate with one or more of the at least one video display (see at least Fig. 3, Elem. 28 and Fig. 27, Elem. 248; also [0080], Lines 6-11; and [0085], Lines 1-11);

a web client to communicate with each media server through the network (Fig. 2a Elem. 24, and [0094], Lines 1-8).

Ellis does not teach the remaining features of the claim. However, in an analogous art, Taylor discloses:

to configure at least one playlist in the media server (see at least FIG. 6, step 610), each playlist including a list of identifiers of video content in the video file server (see at least FIG. 5; e.g., file1.clp at location <http://www.media.com/> and Clip Information) and logical actions related to playing the playlist (see at least FIG. 5; e.g., the order of the clips in the Metafile; and FIG. 6, loop from block 625 to 645);
and

each media server configured to:

execute the playlist to control video content on the video display (see at least FIG. 6, step 645; e.g., plays media),

pull video content over the network from two or more video files according to the playlist (see at least FIG. 6, step 645; e.g., retrieves media from media content servers), *and*

convert the pulled video content into a video output signal suitable for display as a function of the logical actions in the playlist (see at least FIG. 6, step 645; e.g., plays media according to the order of file clips in the Metafile).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the play list as taught in Taylor in Ellis because this would allow Ellis to provide a user with the capability to create a list of video clips or TV programs or movies to be played back in the order specified by the user, thereby enhancing the user's interactive TV experience.

Claim 2 (currently canceled)

Claim 7

For Claim 7 the combination Ellis-Taylor further teaches:

the logical actions further include a timed duration of playing the files (Ellis; see at least [0101], Lines 14-22).

Claim 8

For Claim 8, the combination Ellis-Taylor further teaches:

the logical actions further include a time to initiate playing the files (Ellis, see at least [0101], Lines 14-22; note scheduling programs for play back involves setting an initiation time).

Claim 9

For Claim 9, the combination Ellis-Taylor further teaches:

the logical actions further include a time to terminate playing the files (see at least [0101], Lines 14-22; note scheduling programs for play back involves setting a termination time).

Claim 14

For Claim 14, the combination Ellis-Taylor further teaches:

the video file further includes audio content (Ellis; see at least [0189], Lines 1-9).

Claim 15

For Claim 15, the combination Ellis-Taylor further discloses:

the video content includes any combination from the set of Power Point, J-Peg, Video Clip, or Web formats (Ellis; see at least [0184]).

Claim 16

For Claim 16 Ellis teaches:

A media server (Fig. 3 Elem. 28 and Fig. 27 Elem. 248; also [0080] Lines 6-11, and [0085] Lines 1-11), comprising:

a memory to store (Fig. 3 Elem. 31 and [0083]); *and*

a processor executing software to retrieve and playback the video content (see at least FIG. 4, component 42).

Ellis does not teach the remaining features of the claim.

However, in an analogous art, Taylor discloses:

at least one playlist (see at least FIG. 5), *each playlist including:*

a list of identifiers for video files, each video file including video content to be selectively displayed on at least on a video display (see at least FIG. 5);

a file server location of the video file (see at least FIG. 5; e.g., file1.clp at location <http://www.media.com/> and Clip Information); and

logical actions related to playing the selected video content (see at least FIG. 5; e.g., the order of the clips in the Metafile; and FIG. 6, loop from block 625 to 645) and

to execute the playlist and retrieve the selected video content from two or more video files over a network according to the playlist and to function as a conversion agent to translate the selected video content into a video signal suitable for display as a function of the logical action in the playlist (see at least FIG. 5; and FIG. 6, loop from block 625 to 645)

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the play list as taught in Taylor in Ellis because this would allow Ellis to provide a user with the capability to create a list of video clips or TV programs or movies to be played back in the order specified by the user, thereby enhancing the user's interactive TV experience.

Claim 17

For Claim 17, the combination Ellis-Taylor further teaches:

wherein the processor executes the at least one playlist based on the logical actions (Taylor; (see at least FIG. 5; e.g., the order of the clips in the Metafile) and wherein the logical actions depend in part on inputs external to the media server (Ellis; see at least [0018]).

Claim 18

For Claim 18, the combination Ellis-Taylor further teaches:

wherein the inputs external to the media server are mapped into application specific commands depending on the format of the video file (Ellis; see at least [0020] and [0176]; note Ellis teaches remote access to non-program-guide applications, including a web browser which is well known to one of ordinary skill in the art to display video clips. The remote control functions through Elem. 24 would necessarily be mapped according to the application running on the media server.)

Claim 23

For Claim 23, the combination Ellis-Taylor further teaches:

wherein the at least one playlist is stored on the media server (Ellis; see at least [0082], Lines 1-3 and [0083], Lines 1-3).

For Claim 24, the combination Ellis-Taylor further teaches:

wherein the media server includes a memory capable of storing a video file (Ellis; see at least Fig. 3 Elem. 31; [0083], Lines 1-3 and [0085], Lines 12-17).

9. Claims 10, 19-20 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0028208 by Ellis (U.S. Application 10/927,814) in view of U.S. Patent Application Publication No. 2002/01138641 by Taylor et al. ("Taylor") and further in view of U.S. Patent Application Publication No. 2002/0007485 by Rodriguez (U.S. Application 09/947,890).

Claim 10

For Claim 10, the combination Ellis-Taylor does not specifically disclose:

the logical actions further include a number of times to play the files. However, in an analogous art, Rodriguez teaches the above feature (see at least Fig. 11 Elements 111, 112, 113, 115; and Par. [0051]).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to use the above feature Rodriguez in the combination Ellis-Taylor, as this would allow a user to repeat the playback of a favorite content as many times as the user would like to, thus enhancing the user's interactive TV experience.

Claim 19

For Claim 19, the combination Ellis-Taylor does not specifically disclose the feature recited in Claim 19.

However, in an analogous art, Rodriguez:

wherein the application specific commands include any combination from the set of Play, Restart, Pause, Stop, Rewind, Fast Forward, Next File, Next Slide, Previous Slide, Mouse Click, Hyperlink and Go To New Playlist (see at least [0052], Lines 1-10).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to add these commands taught by Rodriguez to the combination Ellis-Taylor, as this would provide a user with all the commands needed to manage the playback of the video content, thereby enhancing the user's experience with interactive TV.

Claim 20

For Claim 20, the combination Ellis-Taylor-Rodriguez further teaches:

wherein the inputs external to the media server include messages received from the network (Ellis; see at least [0018]).

Claim 22

For Claim 22, the combination Ellis-Taylor-Rodriguez further teaches:

wherein the inputs external to the media server include a prompt (Ellis; see at least [0127], Lines 1-12).

10. Claims 3-6 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0028208 by Ellis (U.S. Application 10/927,814) in view of U.S. Patent Application Publication No. 2002/01138641 by Taylor et al. ("Taylor") and further in view of Pendakur (U.S. Application 10/044,544).

Claim 3

For Claim 3 the combination Ellis-Taylor does not explicitly teach the claimed feature.

However, in an analogous art, Pendakur teaches:

the logical actions execute in the media server as a decision tree (see at least Fig. 9; [0059] and [0060]).

It would have been obvious to one having ordinary skill in the art at the time of invention to execute the playlist as a decision tree as taught by Pendakur within the media server taught by the combination Ellis-Taylor.

The motivation would have been to allow the logic actions to dictate the execution of the playlist.

Claim 4

For Claim 4 is the combination Ellis-Taylor-Pendakur further teaches:

the media server executes the at least one playlist based on the logical actions (Ellis; logical actions such as parental control settings as taught in [0107], lines 6-15, are understood by those of ordinary skill in the art to block specific content in the playlist; hence the playlist is executed with respect to logical actions), and wherein the logical actions are configured at least in part by the web client ([0107]).

Claim 5

For Claim 5 the combination Ellis-Taylor-Pendakur further teaches:

the logical actions are configured at least in part in real time by a user using the web client (Ellis; see at least [0018], note remotely sending a message and blocking currently displayed video content on the playlist is an explicit example of real time configuration).

Claim 6

For Claim 6 the combination Ellis-Taylor-Pendakur further teaches:

logical actions further include inputs external to the media server (Ellis; see at least [0018] and [0107]).

Claim 11

For Claim 11 the combination Ellis-Taylor further teaches:

the inputs external to the media server are mapped into application specific commands according to the format of the video file (Ellis; see at least [0020] and [0176], note Ellis teaches remote access to non-program-guide applications, including a web browser which is well known to one of ordinary skill in the art to display video clips. The remote control functions through Elem. 24 would necessarily be mapped according to the application running on the media server).

11. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0028208 by Ellis (U.S. Application 10/927,814) in view of U.S. Patent Application Publication No. 2002/01138641 by Taylor et al. ("Taylor"), further in view of Pendakur (U.S. Application 10/044,544) and further in view of Brooks (U.S. Application 09/956,688).

Claim 12

For Claim 12, the combination Ellis-Taylor-Pendakur does not teach the feature recited in Claim 12.

However, in an analogous art, Brooks teaches:

the inputs external to the media server include a motion sensor (see at least [0036]).

It would have been obvious to one having ordinary skill in the art at the time of invention to incorporate the motion sensor taught by Brooks within the video system taught by the combination Ellis-Taylor-Pendakur.

The motivation would have been to enable the media server to determine the presence of any viewers; this would enable the media server to power-down and save energy if no viewers were watching video programming.

Claim 13

For Claim 13, the combination Ellis-Taylor-Pendakur does not teach the feature recited in Claim 13.

However, in an analogous art, Brooks teaches:

the inputs external to the media server include a proximity sensor (see at least [0036], note an infrared sensor can detect both the presence and proximity of a person).

It would have been obvious to one having ordinary skill in the art at the time of invention to incorporate the proximity sensor taught by Brooks within the video system taught by the combination Ellis-Taylor-Pendakur.

The motivation would have been to enable the media server to determine if there were any viewers within a given distance; this would enable the media server to power-down and save energy if no viewers were nearby to view video programming.

12. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2005/0028208 by Ellis (U.S. Application 10/927,814) in view of U.S. Patent Application Publication No. 2002/01138641 by Taylor et al. ("Taylor") and further in view (Brooks U.S. Application 09/956,688).

Claim 21

For Claim 21, the combination Ellis-Taylor does not teach the feature recited in Claim 21.

However, in an analogous art, Brooks teaches:

the inputs external to the media server include one of a proximity sensor and a motion sensor (see at least [0036], note an infrared sensor can detect both the presence and proximity of a person).

It would have been obvious to one having ordinary skill in the art at the time of invention to incorporate the proximity and motion sensors taught by Brooks within the video system taught by the combination Ellis-Taylor.

The motivation would have been to enable the media server to determine if there were any viewers within a given distance; this would enable the media server to power-down and save energy if no viewers were nearby to view programming.

Conclusion

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hoang-Vu "Antony" Nguyen-Ba whose telephone

number is (571) 272-3701. The examiner can normally be reached on Tuesday-Friday from 7:00 am to 5:30 pm.

If attempts to reach the examiner are unsuccessful, the examiner's supervisor, John Miller can be reached at (571) 272-7353.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2600 Group receptionist (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

/Hoang-Vu Antony Nguyen-Ba/
Primary Examiner, Art Unit 2623

April 12, 2008